

**NPDES Stormwater
Technical Advisory Committee (TAC)**

REPORT OF MEETING

TUESDAY, JUNE 19, 2007

10:00 A. M.

CITY OF SAN CARLOS

1. INTRODUCTIONS, ANNOUNCEMENTS, ADOPTION OF MINUTES, AND REVISION TO AGENDA

Self-introductions were made, the May meeting minutes were adopted as written, and no changes were made to the agenda. Matt Fabry, Program Coordinator, made the following announcements:

- The annual Municipal Maintenance Workshop is June 21. RSVP to Christina Hovland with EOA.
- There will be training on the Bay Area Hydrology Model on July 19 at the Green Building Exchange in Redwood City. There will be identical morning and afternoon sessions. A flyer will be distributed soon with details.
- At the June 14 City/County Association of Governments (C/CAG) meeting, the Board members approved new contracts with EOA and County Health, as well as the proposed 2007-08 program budget. The Board also approved the proposed scopes of work and budgets for the AB1546 programmatic projects (Sustainable Streets and Parking Lots and Car Wash Kits for Fundraisers).
- Matt reminded everyone to provide support letters for two pieces of proposed legislation, SCA 12, which would ease the current Proposition 218 barriers related to stormwater fees, and SB 613, which would extend the existing AB1546 vehicle license fee in San Mateo County for another 10 years.
- Matt reminded the four municipalities (Belmont, Colma, South San Francisco, and Menlo Park) that did not adopt ongoing fee resolutions to ensure adoption of resolutions for 2007-08 by July 24.
- The Program submitted a nomination to the California Stormwater Quality Association's annual awards program for the outreach efforts by County Health staff through the Public Information/Participation subcommittee related to reducing plastic bag usage and sponsorship of Coastal Cleanup Day. The efforts of County Health staff were recognized at the annual Coastal Cleanup conference for helping to secure the main sponsor for 2007, which is Whole Foods. On June 19, Whole Foods is donating five percent of net proceeds to Coastal Cleanup Day 2007.

2. PRESENTATIONS

- a. Municipal Regional Permit Update – Matt indicated the countywide stormwater program managers have been meeting with senior-level Regional Water Board staff to discuss the Administrative Draft of the Municipal Regional Permit. There have been three meetings to date, with the fourth and final meeting of this series occurring concurrently with this meeting. The purpose of the meetings has been to identify stormwater program concerns and discuss which proposed requirements Regional Board staff are willing to remove, reword, or provide flexibility for, and where there are differences that cannot be resolved. So far, the meetings have been relatively positive, with Regional Board staff willing to consider program concerns and welcoming proposed revised language for various sections. The comment deadline on the Administrative Draft is July 13, and Matt will be working with EOA staff to develop a comment letter from the countywide program that municipalities can use as a sample if they want to submit their own comment letters. EOA staff will also prepare a summary document of the main points from the four meetings with Regional Board staff.
- b. Recent Court Decisions – Fred Jarvis with EOA provided a summary of two recent court cases that could have an impact on the Program. The first is the Los Angeles County appeals court case for which the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) filed an amicus brief supporting the County's position that the law exempting State and Regional Board permits from the prohibition against unfunded state mandates is unconstitutional. The court agreed, indicating requirements in LA County's municipal stormwater permit may be brought before the Commission on State Mandates to evaluate whether they constitute an unfunded mandate. Fred cautioned the unfunded mandate issue would only apply to permit requirements that go beyond federal Clean Water Act requirements. SMCWPPP will need to watch closely the results of LA's test case before the Commission to see if existing or proposed requirements in Bay Area stormwater permits could be considered unfunded state mandates. The second court case was the Rapanos Supreme Court decision related to what wetland areas are subject to Clean Water Act protection. The Court said the wetlands need to have some nexus with being "navigable" to qualify for coverage under the Clean Water Act, and U.S. Environmental Protection Agency and Army Corps of Engineer staff recently

released guidance on determining which wetlands are protected. Fred indicated the guidance is very confusing and emphasized the Regional Water Quality Control Board currently exerts significant authority over wetlands under state law, which may now enter the unfunded state mandate realm in light of the LA County case.

- c. AB1546 Sustainable Streets Project Management – Matt indicated C/CAG's approval of the proposed scopes of work and budgets for the programmatic AB1546 projects included a management component for the Sustainable Streets and Parking Lots project. The proposed budget included \$100,000 for managing the various aspects of the project, including oversight of the technical consultant that would prepare the design guidance manual and the distribution of competitive and non-competitive funds. EOA included an optional task in its Proposal for Technical Services for managing the project for \$67,192. TAC members were supportive of this approach and Matt indicated he would bring it to the C/CAG Board in August for approval as an amendment to EOA's new contract. Matt also discussed the recent trial run of the proposed Car Wash Kit by a local fundraising group. The test case didn't go very well, with most of the washwater still going down the storm drain. The group discussed different options for addressing car wash runoff and agreed to form a work group to further explore this issue.
- d. Annual Deliverables Reminder – Matt reminded the group that the 2nd half deliverables are due at the July 17 meeting. Fred passed around a spreadsheet indicating what deliverable sections have been submitted by municipalities to date.
- e. Regional Water Quality Control Board Report – Regional Board staff were not in attendance, but Fred mentioned the Regional Board recently assessed a \$23,000 fine against the City of Martinez for submitting its annual stormwater report 501 days late. \$20,000 of the fine will go toward a Supplemental Environmental Project retrofitting a City parking lot with stormwater treatment measures. Fred also mentioned a city in the East Bay received a Notice of Violation for failing to fully implement the Provision C.3 New and Redevelopment permit requirements.

3. SUBCOMMITTEE REPORTS

PUBLIC INFORMATION/PARTICIPATION (PIP) – MARILYN HARANG
PIP did not meet since the last TAC meeting.

COMMERCIAL/INDUSTRIAL AND ILLICIT DISCHARGE (CII) – WARD DONNELLY
Ward indicated CII met on June 14 and received an update on the Municipal Regional Permit as well as the Bay Area Pollution Prevention Group's activities, which included a regional thermometer exchange that brought in 2,400 mercury thermometers. There are also 13 municipalities in San Mateo County that now have pharmaceutical dropoff locations at their police stations. BAPPG is also working on a fact sheet about polluted roof runoff that CII will review. CII's educational outreach workgroup is adapting an auto service facility Best Management Practice handout from Alameda County. The group discussed mentoring for inspectors, and municipalities interested in mentoring for their inspectors should contact Ward with Daly City or Dermot Casey with County Health. The next meeting is August 16, which is one week later than normal.

NEW DEVELOPMENT (ND) – MATT FABRY
Fred indicated ND met on June 5 at the Green Building Exchange in Redwood City. The group received an update on the draft Municipal Regional Permit and discussed the draft Construction Activities General Permit, which has several areas of concern, such as provisions for hydromodification management (HM) that are different than those included in the countywide municipal stormwater permit. The group also discussed the C.3 Technical Guidance manual, including adding information sheets for HM requirements and a revised project checklist that includes up-to-date HM information. Next meeting will be August 7 at the normal location in South San Francisco.

MUNICIPAL GOVERNMENT MAINTENANCE ACTIVITIES – CRAIG CENTIS
Municipal Maintenance did not meet since the last meeting and the annual training workshop is on June 21 at the Green Building Exchange in Redwood City.

PARKS MAINTENANCE AND IPM WORK GROUP – VERN BESSEY
The Parks Maintenance and Integrated Pest Management (IPM) workgroup did not meet this month. The next meeting is June 26th at San Mateo City Hall.

WATERSHED ASSESSMENT AND MONITORING (WAM) –FRANK MANDOLA

WAM had its annual field trip on June 14 to San Mateo Creek. EOA staff gave a tour of one reach on the creek where they had performed an assessment and discussed the data collection efforts. The next meeting has not been scheduled.

4. PUBLIC COMMENTS

None

5. ANNOUNCEMENTS

Next meeting will be July 17 in Half Moon Bay.

6. ADJOURNED